

REMARKS

Claims 1-30, 63 and 64 are canceled. Claims 65-84 are added. Claims 31-62 and 65-84 are in the application for consideration.

Independent claim 31 stands rejected as being obvious over a combination of Fujiwara et al., Chance, and Kaji et al. Applicant disagrees and requests reconsideration.

Independent claim 31 recites exposing a layer comprising silicon in elemental form to the stated aqueous liquid etching solution comprising a hydroxide and a fluoride, and having a pH of at least 10, under conditions and for a period of time effective to etch the elemental silicon from the substrate selectively relative to at least one of an oxide and a nitride over which the elemental form silicon-comprising layer is received. The Examiner asserts that Kaji et al. and Chance disclose that similar wet etching chemistries of Kaji et al. would be suitable for etching silicon in applying the liquid etching solution of Chance. However, Chance clearly discloses that its etching solution is for etching an oxide of silicon. Accordingly, a person of skill in the art would not in any way be led to believe that applying the teaching of Chance to the teaching of Kaji et al. would enable or result in selectively etching silicon relative to an oxide, as Chance teaches that its solution is specifically adapted for etching an oxide. Thereby, Chance and Kaji et al. teach against their combination in the context of Applicant's independent claim 31 at least with respect to Applicant's recitation of selectivity relative to an oxide. Chance does not

refer to the etching of a nitride, and accordingly, its combination with Kaji et al. is lacking in this regard and teaches nothing about etching silicon selectively relative to a nitride.

For at least the foregoing reasons, Applicant's independent claim 31 should be allowed, and action to that end is requested.

Added dependent claims 65-84 are supported in Applicant's application, for example at pages 11 and 12.

Applicant's dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. For example and by way of example only with respect to the stated higher pH's of claims 34-36 and 65, while Chance does generically refer to pH's as high as 14, their examples and acceptability in an etch of a different material (an oxide) are stated with respect to pH's of less than 10. A person of skill in the art in reviewing Chance would not expect any success in the context of Applicant's claim 31 at higher pH's, and Kaji et al. teach lower pH's as asserted in Applicant's last-filed Office Action Response.

Applicant's withdrawn claims should be brought back in as depending from a generic claim 31.

This application is believed to be in immediate condition for allowance,
and action to that end is requested.

Respectfully submitted,

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